

Honorable Richard A. Jones

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

FRANK FRANCIS COLACURCIO SR.,
FRANK FRANCIS COLACURCIO JR.,
LEROY RICHARD CHRISTIANSEN,
DAVID CARL EBERT, STEVEN MICHAEL
FUESTON, JOHN GILBERT CONTE,
D.C.E. INC., MM MR RM CORPORATION,
and LLC EVERETT I,

Defendants.

No. CR 09-0209 RAJ

NOTICE FROM DAVID EBERT AND
STEVEN FUESTION

NOTE ON MOTION CALENDAR:
August 21, 2009

COMES NOW Defendants David Carl Ebert and Steven Michael Fueston by and through
their counsel of record and submits this draft notice to potential witnesses for the Court's
approval. See the attached letter.

//

//

//

//

NOTICE - 1
Case No. CR09-0209RAJ

SCHROETER, GOLDMARK & BENDER
500 Central Building • 810 Third Avenue • Seattle, WA 98104
(206) 622-8000

1 DATED this 24th day of August, 2009.

2 Respectfully submitted,

3 s/ Jeffery P. Robinson

4 JEFFERY P. ROBINSON
5 SCHROETER, GOLDMARK & BENDER
6 810 Third Avenue, Suite 500
7 Seattle, WA 98104
8 Phone: (206) 622-8000
9 Fax: (206) 682-2305
10 Email: robinson@sgb-law.com

11 *Counsel for Defendant David C. Ebert*

12 s/ Patrick Preston

13 PATRICK PRESTON
14 MCKAY CHADWELL, PLLC
15 600 University Street, Suite 1601
16 Seattle, WA 98101
17 Phone: (206) 233-2800
18 Fax: (206) 233-2809
19 Email: pjp@mckay-chadwell.com

20 *Counsel for Defendant Steven Fueston*

CERTIFICATE OF SERVICE

I hereby certify that on August 24, 2009, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to Todd Greenberg and Tessa Gorman, Assistant United States Attorneys, and counsel of record for the co-defendants. I also emailed the foregoing to Kelly Neumeister, United States Pretrial Services Officer.

s/ Andrea Crabtree

ANDREA CRABTREE

Paralegal

SCHROETER GOLDMARK & BENDER

810 Third Avenue, Suite 500

Seattle, WA 98104

Phone: (206) 622-8000

Fax: (206) 682-2305

Email: crabtree@sgb-law.com

Notice from Steven M. Fueston and David C. Ebert:

This is to inform you that we are currently under indictment in a case called United States v. Colacurcio, et al., Case No. CR 09-0209 RAJ. This case is currently assigned to the Honorable Richard A. Jones, Federal District Court Judge for the United States District Court of the Western District of Washington.

Judge Jones has ordered that we inform you that we are not allowed to discuss any aspect of our case with you because you fit into the category of a potential witness. A potential witness is any person expressly identified by the government as a witness or any person either of us knows is potentially going to testify at the trial. In addition, potential witnesses include former or current customers of and any former or current employees or independent contractors of the following entities and individuals: D.C.E., Inc.; MM MR RM Corporation; LLC Everett 1; Talents West Inc.; Talents West II LLC; Accurate Bookkeeping Service, Inc.; LLC Lake City, d/b/a Rick's; Club 21 LLC, d/b/a Sugar's; P.D. & M.K. I, LLC, d/b/a/ Honey's; LLC Foxes II, d/b/a/ Fox's; Phillip McKibben; and Dean Reiber. The order preventing us from discussing our case prohibits any discussion of the prosecution, the government investigation, pretrial proceedings, jury selection, or trial of this matter. If either of us engages in any discussion of this case with you or with any other potential witness, the one of us who does so will be in direct violation of the Court's order. Therefore, we cannot answer any questions or discuss any aspects of the case with you.

If you become aware that either of us has violated this order, you are directed to call the United States Probation Department to report the violation. The telephone number for U.S. Probation is (206) 370-8850 or (206) 370-8950.